## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE ZU10 JUN 30 PM 4: 14

WYNDHAM VACATION RESORTS, INC.,	) MOGLE BISTRIET OF TH
Plaintiff,	)
v.	) No. 09-00899
TOA, LLC d/b/a THE OWNERS' ADVOCATE, DAVID HUMPHREY a/k/a SCOTT DAVIDSON, KURT W. BARTLETT, and KAY METKO,	)    Judge Haynes ) ) ) ) )
Defendants.	)

## **DECLARATION OF RYAN P. LEAR**

**Ryan P. Lear** makes the following declaration pursuant to 28 U.S.C. § 1746(2) in support of the Response to Supplemental Memorandum in Support of Motion to Show Cause Why Defendants Should Not be Held in Contempt. All of the facts stated herein are true and correct, and are based on my personal knowledge.

- 1. I was employed by The Owners' Advocate ("TOA") as a contract I.T. Administrator from November 2008 to December 2009.
- 2. While employed at TOA I purchased several domain names as part of an Internet prospecting campaign. One of these domain names was www.takingontimeshare.com.
- 3. In December 2009, and after my employment with TOA was concluded, I formed the business Data Networking Solutions ("DNS") with David Humphrey. DNS is a web-hosting and small business I.T. service company.

- 4. At this time all of the domain names owned by David Humphrey were merged with the domain names owned by me under the control of DNS. This included <a href="https://www.takingontimeshare.com">www.takingontimeshare.com</a>.
- 5. There are currently 80 domain names owned by DNS at the time of this writing.
- 6. It is my understanding that the website located at <a href="https://www.takingontimeshare.com">www.takingontimeshare.com</a> is owned and operated by M & R Financial Holdings, LLC, a Florida based company.
- 7. Currently, DNS only provides a hosting service for <a href="https://www.takingontimeshare.com">www.takingontimeshare.com</a> and is in no way responsible for its website management or content.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Morseler PYAN P. LEAR

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 22 day of June, 2010, a true and exact copy of the foregoing Response has been forwarded by regular US Mail, postage prepaid, to the persons listed below:

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DAVID S. HUMPHREY